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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,890	09/15/2003	David Patron	1033-T00538	1159
34456	7590	12/27/2005	EXAMINER	
TOLER & LARSON & ABEL L.L.P. 5000 PLAZA ON THE LAKE STE 265 AUSTIN, TX 78746			VIG, NARESH	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,890

Applicant(s)

PATRON ET AL.

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is in reference to response received 11 October 2005 to the office action mailed 06 September 2005. There are 20 claims, claims 1 – 20 pending for examination.

Response to Arguments

In response to applicant's argument that with respect to claims 1 – 20 there is no motivation to combine parental control of television programs of West with the parental management of computer accounts in the account based access server of Gatz have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments and issues are responded to in response to claims using new references cited in this office action.

In response to applicant's argument that cited reference Gatz teaches controlling access via logic provided at the access server and fails to disclose or suggest communicating information from the profile to the client device to modify the functionality of the client device to comply with at least one policy in the profile, as recited in claims 1 and 11. However applicant is arguing a limitation not claimed by the applicant. Applicant has not claimed the limitation that the profile is received and stored on a device other than the client device as claimed in the limitation.

In response to applicant's argument that cited reference Gatz to disclose or suggest receiving a profile created by the parent or guardian, as recited in claims 1 and 11. However, Gatz recites "Thus, it is possible for parents to establish parental accounts that can be used to control the access of their children (having child accounts) to information provided over the Internet" [Gatz, 0014].

In response to applicant's argument that Additionally, the asserted combination fails to disclose or suggest communicating information from the profile to the client device to modify the functionality of the client device to comply with at least one policy in the profile, as recited in claims 1 and 11. As responded to earlier, applicant is arguing a limitation not claimed by the applicant. Applicant has not claimed the limitation that the profile is received and stored on a device other than the client device as claimed in the limitation

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 11 recites the limitation " communicating information from the profile to the client device to modify the functionality of the client device to comply with

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at least one policy in the profile" in lines 9 – 10. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 2 and 11 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatz et al. US Publication 2002/0049806.

Regarding claims 1 and 11, Gatz teaches system and method for account based access control system allowing the holder of one account to control the ability of one or more other account holders to access information in an information network [0014].

Gatz teaches:

receiving a request from a parent or guardian of a minor to sign up for an Instant Messaging (IM) service on behalf of the minor (parents to establish parental accounts that can be used to control the access of their children (having child accounts) to information provided over the Internet) [0014];

providing a Web-based profile administrator interface to the parent or guardian (a parent that controls the family account (the "controlling parent") can add a child to the family account with a new child account) [0014, Fig. 6 and disclosure associated with Fig. 6];

Gatz does not explicitly teach receiving a profile, created by the parent or guardian using the Web-based profile administrator interface. However, Gatz teaches receiving a profile created by parent or guardian parents (account owners) to establish parental accounts that can be used to control the access of their children (having child accounts) to information provided over the Internet) [0014], to provide the account owners with the means, such as a user interface, in which to configure the owner's respective accounts [0052], web based user interface [Fig. 7 and disclosure associated with Fig. 7].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made Gatz is capable of providing Web-based provider owner interface, and wherein account profile is received for owner to create an account for additional users.

Gatz teaches:

account created comprises one or more control policies for usage of the IM service by the minor [Fig. 3 and disclosure associated with Fig. 3 and disclosure associated with Fig. 3];

receiving a request from the minor to log on to the IM service using a client device (Yahoo Chat) [Fig. 6 and disclosure associated with Fig. 6]; and

communicating information from the profile to the client device to modify the functionality of the client device to comply with at least one policy in the profile [0015, 0077, Fig. 13 and disclosure associated with Fig. 13].

Claims 2, 4, 6, 8, 9, 12, 14, 15, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatz et al. US Publication 2002/0049806 hereinafter known as Gatz in view of Parental Control Software by CSS Software hereinafter known as CSS-Software.

Regarding claims 2 and 12, Gatz does not teach using a policy engine of the client device to limit usage of the IM service to the minor based on the at least one policy. However, CSS-Software teaches using a policy engine of the client device to limit usage of the IM service to the minor based on the at least one policy.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gatz as taught by CSS-Software to allow parents to control how and when a computer is used.

Regarding claims 4 and 14, Gatz does not explicitly teach using a policy engine of the client device to inhibit usage of the IM service to the minor based on the at least one policy. However, CSS-Software teaches using a policy engine of the client device to inhibit usage of the IM service to the minor based on the at least one policy.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gatz as taught by CSS-Software to allow parents to control how and when a computer is used.

Regarding claims 6 and 16, Gatz does not explicitly teach using a policy engine of the client device to allow usage of the IM service to the minor based on the at least one policy. However, CSS-Software teaches using a policy engine of the client device to allow usage of the IM service to the minor based on the at least one policy.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gatz as taught by CSS-Software to allow parents to control how and when a computer is used.

Regarding claim 8 and 18, Gatz does not explicitly teach at least one policy indicates specific times when messages from members of a buddy list for the minor are to be blocked or allowed. However, CSS-Software teaches at least one policy indicates specific times when messages from members of a buddy list for the minor are to be blocked or allowed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gatz as taught by CSS-Software to allow parents to control how and when a computer is used.

Regarding claims 9 and 19, Gatz does not explicitly teach at least one policy indicates specific times when messages from anyone not in a buddy list for the minor are to be blocked or allowed. However, Gatz teaches controlling access to information by minors. CSS-Software teaches at least one policy indicates specific times when messages from anyone not in a buddy list for the minor are to be blocked or allowed.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gatz as taught by CSS-Software to allow parents to control how and when a computer is used.

Claims 3, 5, 7, 10, 13, 15, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gatz et al. US Publication 2002/0049806 hereinafter known as Gatz in view of Parental Control Software by CSS Software hereinafter known as CSS-Software and Plugin for AOL Instant Messenger hereinafter known as MyIM

Regarding claims 3 and 13, Gatz does not teach plug-in for an instant messaging client. However, MyIM teaches plug-in for an instant messaging client (AOL Instant Messaging Client).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gatz in view of CSS-Software as taught by MyIM for allowing to customize Instant Messaging beyond its current features.

Regarding claims 5, 7, 15 and 17, as responded to earlier, Gatz in view of CSS-Software does not explicitly teach plug-in for an instant messaging client. However, MyIM teaches plug-in for an instant messaging client (AOL Instant Messaging Client).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gatz in view of CSS-Software as taught by MyIM for allowing to customize Instant Messaging beyond its current features.

Regarding claims 10 and 20, Gatz does not teach collecting information for a log of actions taken by the client device to comply with the at least one policy. However, MyIM teaches collecting information for a log of actions taken by the client device to comply with the at least one policy.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gatz as taught by MyIM and keep log of user actions to enable parents to review usage of systems by children at a later time.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. Information on AYTMM.
2. Information on AOL Buddy List.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig
Examiner
Art Unit 3629

December 20, 2005